# THE LIBERTY OF THE ANCIENTS COMPARED WITH THAT OF THE MODERNS

SPEECH GIVEN AT
THE ATHÉNÉE ROYAL
IN PARIS

# Bibliographical note

This translation of Constant's speech of 1819 on the liberty of the ancients and the moderns reproduces the text published in his *Collection complète des ouvrages publiés sur le gouvernement représentatif et la constitution actuelle, ou Cours de politique constitutionnelle*, 4 vols. (Paris and Rouen, 1820), vol. 4, pp. 238–74.

The speech contains numerous repetitions and reformulations of passages which appeared in the *Spirit of Conquest and Usurpation* and in the *Principles of Politics*. The general significance of these reformulations is discussed in the Introduction to this volume. It seemed too pedantic to indicate the repeated passages one by one in the annotation, as their presence does not affect the overall originality and interest of this text.

Gentlemen,

I wish to submit for your attention a few distinctions, still rather new, between two kinds of liberty: these differences have thus far remained unnoticed, or at least insufficiently remarked. The first is the liberty the exercise of which was so dear to the ancient peoples; the second the one the enjoyment of which is especially precious to the modern nations. If I am right, this investigation will prove interesting from two different angles.

Firstly, the confusion of these two kinds of liberty has been amongst us, in the all too famous days of our revolution, the cause of many an evil. France was exhausted by useless experiments, the authors of which, irritated by their poor success, sought to force her to enjoy the good she did not want, and denied her the good which she did want.

Secondly, called as we are by our happy revolution (I call it happy, despite its excesses, because I concentrate my attention on its results) to enjoy the benefits of representative government, it is curious and interesting to discover why this form of government, the only one in the shelter of which we could find some freedom and peace today, was totally unknown to the free nations of antiquity.

I know that there are writers who have claimed to distinguish traces of it among some ancient peoples, in the Lacedaemonian republic for example, or amongst our ancestors the Gauls; but they are mistaken.

The Lacedaemonian government was a monastic aristocracy, and in no way a representative government. The power of the kings was limited, but it was limited by the ephors, and not by men invested with a

mission similar to that which election confers today on the defenders of our liberties. The ephors, no doubt, though originally created by the kings, were elected by the people. But there were only five of them. Their authority was as much religious as political; they even shared in the administration of government, that is, in the executive power. Thus their prerogative, like that of almost all popular magistrates in the ancient republics, far from being simply a barrier against tyranny, became sometimes itself an insufferable tyranny.

The regime of the Gauls, which quite resembled the one that a certain party would like to restore to us,[a] was at the same time theocratic and warlike. The priests enjoyed unlimited power. The military class or nobility had markedly insolent and oppressive privileges; the people had no rights and no safeguards.

In Rome the tribunes had, up to a point, a representative mission. They were the organs of those plebeians whom the oligarchy – which is the same in all ages – had submitted, in overthrowing the kings, to so harsh a slavery. The people, however, exercised a large part of the political rights directly. They met to vote on the laws and to judge the patricians against whom charges had been levelled: thus there were, in Rome, only feeble traces of a representative system.

This system is a discovery of the moderns, and you will see, Gentlemen, that the condition of the human race in antiquity did not allow for the introduction or establishment of an institution of this nature. The ancient peoples could neither feel the need for it, nor appreciate its advantages. Their social organization led them to desire an entirely different freedom from the one which this system grants to us.

Tonight's lecture will be devoted to demonstrating this truth to you.

First ask yourselves, Gentlemen, what an Englishman, a Frenchman, and a citizen of the United States of America understand today by the word 'liberty'.

For each of them it is the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals. It is the right of everyone to

[a] If the model of the ancient republics had dominated the politics of the Jacobins, during the Restoration the return to feudal liberty became the ideal of the monarchical 'reformers'. The most influential contemporary source is: Robert de Montlosier, *De la monarchie française*. For a survey of the political interpretations of France's feudal past, see: Stanley Mellon, *The Political Uses of History, a Study of Historians in the French Restoration* (Stanford, California, 1958); Shirley M. Gruner, 'Political Historiography in Restoration France', *History and Theory*, 8 (1969), 346–65.

express their opinion, choose a profession and practise it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings. It is everyone's right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer, or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims. Finally it is everyone's right to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed. Now compare this liberty with that of the ancients.

The latter consisted in exercising collectively, but directly, several parts of the complete sovereignty; in deliberating, in the public square, over war and peace; in forming alliances with foreign governments; in voting laws, in pronouncing judgements; in examining the accounts, the acts, the stewardship of the magistrates; in calling them to appear in front of the assembled people, in accusing, condemning or absolving them. But if this was what the ancients called liberty, they admitted as compatible with this collective freedom the complete subjection of the individual to the authority of the community. You find among them almost none of the enjoyments which we have just seen form part of the liberty of the moderns. All private actions were submitted to a severe surveillance. No importance was given to individual independence, neither in relation to opinions, nor to labour, nor, above all, to religion. The right to choose one's own religious affiliation, a right which we regard as one of the most precious, would have seemed to the ancients a crime and a sacrilege. In the domains which seem to us the most useful, the authority of the social body interposed itself and obstructed the will of individuals. Among the Spartans, Therpandrus could not add a string to his lyre without causing offence to the ephors. In the most domestic of relations the public authority again intervened. The young Lacedaemonian could not visit his new bride freely. In Rome, the censors cast a searching eye over family life. The laws regulated customs, and as customs touch on everything, there was hardly anything that the laws did not regulate.

Thus among the ancients the individual, almost always sovereign in public affairs, was a slave in all his private relations. As a citizen, he decided on peace and war; as a private individual, he was constrained,

watched and repressed in all his movements; as a member of the collective body, he interrogated, dismissed, condemned, beggared, exiled, or sentenced to death his magistrates and superiors; as a subject of the collective body he could himself be deprived of his status, stripped of his privileges, banished, put to death, by the discretionary will of the whole to which he belonged. Among the moderns, on the contrary, the individual, independent in his private life, is, even in the freest of states, sovereign only in appearance. His sovereignty is restricted and almost always suspended. If, at fixed and rare intervals, in which he is again surrounded by precautions and obstacles, he exercises this sovereignty, it is always only to renounce it.

I must at this point, Gentlemen, pause for a moment to anticipate an objection which may be addressed to me. There was in antiquity a republic where the enslavement of individual existence to the collective body was not as complete as I have described it. This republic was the most famous of all: you will guess that I am speaking of Athens. I shall return to it later, and in subscribing to the truth of this fact, I shall also indicate its cause. We shall see why, of all the ancient states, Athens was the one which most resembles the modern ones. Everywhere else social jurisdiction was unlimited. The ancients, as Condorcet says, had no notion of individual rights.[a] Men were, so to speak, merely machines, whose gears and cog-wheels were regulated by the law. The same subjection characterized the golden centuries of the Roman republic; the individual was in some way lost in the nation, the citizen in the city.

We shall now trace this essential difference between the ancients and ourselves back to its source.

All ancient republics were restricted to a narrow territory. The most populous, the most powerful, the most substantial among them, was not equal in extension to the smallest of modern states. As an inevitable consequence of their narrow territory, the spirit of these republics was bellicose; each people incessantly attacked their neighbours or was attacked by them. Thus driven by necessity against one another, they fought or threatened each other constantly. Those who had no ambition to be conquerors, could still not lay down their weapons, lest they should themselves be conquered. All had to buy their security, their independence, their whole existence at the price of war. This was the constant interest, the almost habitual occupation of the free states of

[a] J. A. N. Caritat de Condorcet, *Sur l'instruction publique*, p. 47.

antiquity. Finally, by an equally necessary result of this way of being, all these states had slaves.[a] The mechanical professions and even, among some nations, the industrial ones, were committed to people in chains.

The modern world offers us a completely opposing view. The smallest states of our day are incomparably larger than Sparta or than Rome was over five centuries. Even the division of Europe into several states is, thanks to the progress of enlightenment, more apparent than real. While each people, in the past, formed an isolated family, the born enemy of other families, a mass of human beings now exists, that under different names and under different forms of social organization are essentially homogeneous in their nature. This mass is strong enough to have nothing to fear from barbarian hordes. It is sufficiently civilized to find war a burden. Its uniform tendency is towards peace.

This difference leads to another one. War precedes commerce. War and commerce are only two different means of achieving the same end, that of getting what one wants. Commerce is simply a tribute paid to the strength of the possessor by the aspirant to possession. It is an attempt to conquer, by mutual agreement, what one can no longer hope to obtain through violence. A man who was always the stronger would never conceive the idea of commerce. It is experience, by proving to him that war, that is the use of his strength against the strength of others, exposes him to a variety of obstacles and defeats, that leads him to resort to commerce, that is to a milder and surer means of engaging the interest of others to agree to what suits his own. War is all impulse, commerce, calculation. Hence it follows that an age must come in which commerce replaces war. We have reached this age.

I do not mean that amongst the ancients there were no trading peoples. But these peoples were to some degree an exception to the general rule. The limits of this lecture do not allow me to illustrate all the obstacles which then opposed the progress of commerce; you know them as well as I do; I shall only mention one of them.

Their ignorance of the compass meant that the sailors of antiquity always had to keep close to the coast. To pass through the pillars of Hercules, that is, the straits of Gibraltar, was considered the most daring of enterprises. The Phoenicians and the Carthaginians, the

[a] In the 1806 draft, Constant observed: '. . . slavery, universally practised by the ancients gave to their mores a severe and cruel imprint, which made it easy for them to sacrifice gentle affections to political interests.' E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 428.

most able of navigators, did not risk it until very late, and their example for long remained without imitators. In Athens, of which we shall talk soon, the interest on maritime enterprises was around 60%, while current interest was only 12%: that was how dangerous the idea of distant navigation seemed.

Moreover, if I could permit myself a digression which would unfortunately prove too long, I would show you, Gentlemen, through the details of the customs, habits, way of trading with others of the trading peoples of antiquity, that their commerce was itself impregnated by the spirit of the age, by the atmosphere of war and hostility which surrounded it. Commerce then was a lucky accident, today it is the normal state of things, the only aim, the universal tendency, the true life of nations. They want repose, and with repose comfort, and as a source of comfort, industry. Every day war becomes a more ineffective means of satisfying their wishes. Its hazards no longer offer to individuals benefits that match the results of peaceful work and regular exchanges. Among the ancients, a successful war increased both private and public wealth in slaves, tributes and lands shared out. For the moderns, even a successful war costs infallibly more than it is worth.

Finally, thanks to commerce, to religion, to the moral and intellectual progress of the human race, there are no longer slaves among the European nations. Free men must exercise all professions, provide for all the needs of society.

It is easy to see, Gentlemen, the inevitable outcome of these differences.

Firstly, the size of a country causes a corresponding decrease of the political importance allotted to each individual. The most obscure republican of Sparta or Rome had power. The same is not true of the simple citizen of Britain or of the United States. His personal influence is an imperceptible part of the social will which impresses on the government its direction.

Secondly, the abolition of slavery has deprived the free population of all the leisure which resulted from the fact that slaves took care of most of the work. Without the slave population of Athens, 20,000 Athenians could never have spent every day at the public square in discussions.

Thirdly, commerce does not, like war, leave in men's lives intervals of inactivity. The constant exercise of political rights, the daily discussion of the affairs of the state, disagreements, confabulations, the whole entourage and movement of factions, necessary agitations, the

compulsory filling, if I may use the term, of the life of the peoples of antiquity, who, without this resource would have languished under the weight of painful inaction, would only cause trouble and fatigue to modern nations, where each individual, occupied with his speculations, his enterprises, the pleasures he obtains or hopes for, does not wish to be distracted from them other than momentarily, and as little as possible.

Finally, commerce inspires in men a vivid love of individual independence. Commerce supplies their needs, satisfies their desires, without the intervention of the authorities. This intervention is almost always – and I do not know why I say almost – this intervention is indeed always a trouble and an embarrassment. Every time collective power wishes to meddle with private speculations, it harasses the speculators. Every time governments pretend to do our own business, they do it more incompetently and expensively than we would.

I said, Gentlemen, that I would return to Athens, whose example might be opposed to some of my assertions, but which will in fact confirm all of them.

Athens, as I have already pointed out, was of all the Greek republics the most closely engaged in trade:[a] thus it allowed to its citizens an infinitely greater individual liberty than Sparta or Rome. If I could enter into historical details, I would show you that, among the Athenians, commerce had removed several of the differences which distinguished the ancient from the modern peoples. The spirit of the Athenian merchants was similar to that of the merchants of our days. Xenophon tells us that during the Peloponnesian war, they moved their capitals from the continent of Attica to place them on the islands of the archipelago. Commerce had created among them the circulation of money. In Isocrates there are signs that bills of exchange were used. Observe how their customs resemble our own. In their relations with women, you will see, again I cite Xenophon, husbands, satisfied when peace and a decorous friendship reigned in their households, make allowances for the wife who is too vulnerable before the tyranny of nature, close their eyes to the irresistible power of passions, forgive the first weakness and forget the second. In their relations with strangers, we shall see them extending the rights of citizenship to whoever would,

[a] Constant's notes to the 1806 draft show that he derived most of his illustrations and examples about Athens in this passage from Cornelius de Pauw, *Recherches philosophiques sur les Grecs*, vol. 1, pp. 93ff.

by moving among them with his family, establish some trade or industry. Finally, we shall be struck by their excessive love of individual independence. In Sparta, says a philosopher, the citizens quicken their step when they are called by a magistrate; but an Athenian would be desperate if he were thought to be dependent on a magistrate.[a]

However, as several of the other circumstances which determined the character of ancient nations existed in Athens as well; as there was a slave population and the territory was very restricted; we find there too the traces of the liberty proper to the ancients. The people made the laws, examined the behaviour of the magistrates, called Pericles to account for his conduct, sentenced to death the generals who had commanded the battle of the Arginusae. Similarly ostracism, that legal arbitrariness, extolled by all the legislators of the age; ostracism, which appears to us, and rightly so, a revolting iniquity, proves that the individual was much more subservient to the supremacy of the social body in Athens, than he is in any of the free states of Europe today.

It follows from what I have just indicated that we can no longer enjoy the liberty of the ancients, which consisted in an active and constant participation in collective power. Our freedom must consist of peaceful enjoyment and private independence. The share which in antiquity everyone held in national sovereignty was by no means an abstract presumption as it is in our own day. The will of each individual had real influence: the exercise of this will was a vivid and repeated pleasure. Consequently the ancients were ready to make many a sacrifice to preserve their political rights and their share in the administration of the state. Everybody, feeling with pride all that his suffrage was worth, found in this awareness of his personal importance a great compensation.

This compensation no longer exists for us today. Lost in the multitude, the individual can almost never perceive the influence he exercises. Never does his will impress itself upon the whole; nothing confirms in his eyes his own cooperation.

The exercise of political rights, therefore, offers us but a part of the pleasures that the ancients found in it, while at the same time the progress of civilization, the commercial tendency of the age, the communication amongst peoples, have infinitely multiplied and varied the means of personal happiness.

[a] Xenophon, *De Republica Lacedaemonium*, VIII, 2 in: J. M. Moore (ed.), *Aristotle and Xenophon on democracy and oligarchy* (London, 1975).

It follows that we must be far more attached than the ancients to our individual independence. For the ancients when they sacrificed that independence to their political rights, sacrificed less to obtain more; while in making the same sacrifice, we would give more to obtain less.

The aim of the ancients was the sharing of social power among the citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.

I said at the beginning that, through their failure to perceive these differences, otherwise well-intentioned men caused infinite evils during our long and stormy revolution. God forbid that I should reproach them too harshly. Their error itself was excusable. One could not read the beautiful pages of antiquity, one could not recall the actions of its great men, without feeling an indefinable and special emotion, which nothing modern can possibly arouse. The old elements of a nature, one could almost say, earlier than our own, seem to awaken in us in the face of these memories. It is difficult not to regret the time when the faculties of man developed along an already trodden path, but in so wide a career, so strong in their own powers, with such a feeling of energy and dignity. Once we abandon ourselves to this regret, it is impossible not to wish to imitate what we regret. This impression was very deep, especially when we lived under vicious governments, which, without being strong, were repressive in their effects; absurd in their principles; wretched in action; governments which had as their strength arbitrary power; for their purpose the belittling of mankind; and which some individuals still dare to praise to us today, as if we could ever forget that we have been the witnesses and the victims of their obstinacy, of their impotence and of their overthrow. The aim of our reformers was noble and generous. Who among us did not feel his heart beat with hope at the outset of the course which they seemed to open up? And shame, even today, on whoever does not feel the need to declare that acknowledging a few errors committed by our first guides does not mean blighting their memory or disowning the opinions which the friends of mankind have professed throughout the ages.

But those men had derived several of their theories from the works of two philosophers who had themselves failed to recognize the changes brought by two thousand years in the dispositions of mankind. I shall perhaps at some point examine the system of the most illustrious of

these philosophers, of Jean-Jacques Rousseau, and I shall show that, by transposing into our modern age an extent of social power, of collective sovereignty, which belonged to other centuries, this sublime genius, animated by the purest love of liberty, has nevertheless furnished deadly pretexts for more than one kind of tyranny. No doubt, in pointing out what I regard as a misunderstanding which it is important to uncover, I shall be careful in my refutation, and respectful in my criticism. I shall certainly refrain from joining myself to the detractors of a great man. When chance has it that I find myself apparently in agreement with them on some one particular point, I suspect myself; and to console myself for appearing for a moment in agreement with them on a single partial question, I need to disown and denounce with all my energies these pretended allies.

Nevertheless, the interests of truth must prevail over considerations which make the glory of a prodigious talent and the authority of an immense reputation so powerful. Moreover, as we shall see, it is not to Rousseau that we must chiefly attribute the error against which I am going to argue; this is to be imputed much more to one of his successors, less eloquent but no less austere and a hundred times more exaggerated. The latter, the abbé de Mably, can be regarded as the representative of the system which, according to the maxims of ancient liberty, demands that the citizens should be entirely subjected in order for the nation to be sovereign, and that the individual should be enslaved for the people to be free.

The abbé de Mably,[a] like Rousseau and many others, had mistaken, just as the ancients did, the authority of the social body for liberty; and to him any means seemed good if it extended his area of authority over that recalcitrant part of human existence whose independence he deplored. The regret he expresses everywhere in his works is that the law can only cover actions. He would have liked it to cover the most fleeting thoughts and impressions; to pursue man relentlessly, leaving him no refuge in which he might escape from its power. No sooner did he learn, among no matter what people, of some oppressive measure, than he thought he had made a discovery and proposed it as a model. He detested individual liberty like a personal enemy; and whenever in history he came across a nation totally deprived of it, even if it had no political liberty, he could not help admiring it. He went into ecstasies

[a] Gabriel Bonnot de Mably, *De la législation ou principes des lois.*

over the Egyptians, because, as he said, among them everything was prescribed by the law, down to relaxations and needs: everything was subjected to the empire of the legislator. Every moment of the day was filled by some duty; love itself was the object of this respected intervention, and it was the law that in turn opened and closed the curtains of the nuptial bed.

Sparta, which combined republican forms with the same enslavement of individuals, aroused in the spirit of that philosopher an even more vivid enthusiasm. That vast monastic barracks to him seemed the ideal of a perfect republic. He had a profound contempt for Athens, and would gladly have said of this nation, the first of Greece, what an academician and great nobleman said of the French Academy: 'What an appalling despotism! Everyone does what he likes there.'[a] I must add that this great nobleman was talking of the Academy as it was thirty years ago.

Montesquieu, who had a less excitable and therefore more observant mind, did not fall into quite the same errors. He was struck by the differences which I have related; but he did not discover their true cause. The Greek politicians who lived under the popular government did not recognize, he argues, any other power but virtue. Politicians of today talk only of manufactures, of commerce, of finances, of wealth and even of luxury.[b] He attributes this difference to the republic and the monarchy. It ought instead to be attributed to the opposed spirit of ancient and modern times. Citizens of republics, subjects of monarchies, all want pleasures, and indeed no-one, in the present condition of societies can help wanting them. The people most attached to their liberty in our own days, before the emancipation of France, was also the most attached to all the pleasures of life; and it valued its liberty especially because it saw in this the guarantee of the pleasures which it cherished. In the past, where there was liberty, people could bear hardship. Now, wherever there is hardship, despotism is necessary for people to resign themselves to it. It would be easier today to make Spartans of an enslaved people than to turn free men into Spartans.

The men who were brought by events to the head of our revolution were, by a necessary consequence of the education they had received, steeped in ancient views which are no longer valid, which the philosophers whom I mentioned above had made fashionable. The meta-

[a] The Duke of Richelieu.
[b] C. L. S. de Montesquieu, *Esprit des Lois*, Book 3.

physics of Rousseau, in the midst of which flashed the occasional sublime thought and passages of stirring eloquence; the austerity of Mably, his intolerance, his hatred of all human passions, his eagerness to enslave them all, his exaggerated principles on the competence of the law, the difference between what he recommended and what had ever previously existed, his declamations against wealth and even against property; all these things were bound to charm men heated by their recent victory, and who, having won power over the law, were only too keen to extend this power to all things. It was a source of invaluable support that two disinterested writers anathematizing human despotism, should have drawn up the text of the law in axioms. They wished to exercise public power as they had learnt from their guides it had once been exercised in the free states. They believed that everything should give way before collective will, and that all restrictions on individual rights would be amply compensated by participation in social power.

We all know, Gentlemen, what has come of it. Free institutions, resting upon the knowledge of the spirit of the age, could have survived. The restored edifice of the ancients collapsed, notwithstanding many efforts and many heroic acts which call for our admiration. The fact is that social power injured individual independence in every possible way, without destroying the need for it. The nation did not find that an ideal share in an abstract sovereignty was worth the sacrifices required from her.[a] She was vainly assured, on Rousseau's authority, that the laws of liberty are a thousand times more austere than the yoke of tyrants. She had no desire for those austere laws, and believed sometimes that the yoke of tyrants would be preferable to them. Experience has come to undeceive her. She has seen that the arbitrary power of men was even worse than the worst of laws. But laws too must have their limits.

If I have succeeded, Gentlemen, in making you share the persuasion which in my opinion these facts must produce, you will acknowledge with me the truth of the following principles.

[a] In the 1806 draft, Constant commented: 'All legislation which exacts the sacrifice of these enjoyments is incompatible with the present conditions of the human race. From this viewpoint, nothing is more curious to observe than the rhetoric of French demagogues. The most intelligent among them, St Just, made all his speeches in short sentences, calculated to arouse tired minds. Thus while he seemed to suppose the nation capable of the most painful sacrifices, he acknowledged her, by his style, incapable even of paying attention.' E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 432.

Individual independence is the first need of the moderns: consequently one must never require from them any sacrifices to establish political liberty.

It follows that none of the numerous and too highly praised institutions which in the ancient republics hindered individual liberty is any longer admissible in the modern times.

You may, in the first place, think, Gentlemen, that it is superfluous to establish this truth. Several governments of our days do not seem in the least inclined to imitate the republics of antiquity. However, little as they may like republican institutions, there are certain republican usages for which they feel a certain affection. It is disturbing that they should be precisely those which allow them to banish, to exile, or to despoil. I remember that in 1802, they slipped into the law on special tribunals an article which introduced into France Greek ostracism;[a] and God knows how many eloquent speakers, in order to have this article approved, talked to us about the freedom of Athens and all the sacrifices that individuals must make to preserve this freedom! Similarly, in much more recent times, when fearful authorities attempted, with a timid hand, to rig the elections, a journal which can hardly be suspected of republicanism proposed to revive Roman censorship to eliminate all dangerous candidates.

I do not think therefore that I am engaging in a useless discussion if, to support my assertion, I say a few words about these two much vaunted institutions.

Ostracism in Athens rested upon the assumption that society had complete authority over its members. On this assumption it could be justified; and in a small state, where the influence of a single individual, strong in his credit, his clients, his glory, often balanced the power of the mass, ostracism may appear useful. But amongst us individuals have rights which society must respect, and individual interests are, as I have already observed, so lost in a multitude of equal or superior influences, that any oppression motivated by the need to diminish this influence is useless and consequently unjust.[b] No-one has the right to exile a citizen, if he is not condemned by a regular tribunal, according to a formal law which attaches the penalty of exile to the action of which

[a] The law of 23 Floréal, Year X (13 May 1802) which extended the functions and powers of special tribunals.

[b] 'The large states have created in our day a new guarantee: obscurity. This guarantee diminishes the dependence of individuals on the nation.' E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 421.

he is guilty. No-one has the right to tear the citizen from his country, the owner away from his possessions, the merchant away from his trade, the husband from his wife, the father from his children, the writer from his studious meditations, the old man from his accustomed way of life.

All political exile is a political abuse. All exile pronounced by an assembly for alleged reasons of public safety is a crime which the assembly itself commits against public safety, which resides only in respect for the laws, in the observance of forms, and in the maintenance of safeguards.

Roman censorship implied, like ostracism, a discretionary power. In a republic where all the citizens, kept by poverty to an extremely simple moral code, lived in the same town, exercised no profession which might distract their attention from the affairs of the state, and thus constantly found themselves the spectators and judges of the usage of public power, censorship could on the one hand have greater influence: while on the other, the arbitrary power of the censors was restrained by a kind of moral surveillance exercised over them. But as soon as the size of the republic, the complexity of social relations and the refinements of civilization deprived this institution of what at the same time served as its basis and its limit, censorship degenerated even in Rome. It was not censorship which had created good morals; it was the simplicity of those morals which constituted the power and efficacy of censorship.

In France, an institution as arbitrary as censorship would be at once ineffective and intolerable. In the present conditions of society, morals are formed by subtle, fluctuating, elusive nuances, which would be distorted in a thousand ways if one attempted to define them more precisely. Public opinion alone can reach them; public opinion alone can judge them, because it is of the same nature. It would rebel against any positive authority which wanted to give it greater precision. If the government of a modern people wanted, like the censors in Rome, to censure a citizen arbitrarily, the entire nation would protest against this arrest by refusing to ratify the decisions of the authority.

What I have just said of the revival of censorship in modern times applies also to many other aspects of social organization, in relation to which antiquity is cited even more frequently and with greater emphasis. As for example, education; what do we not hear of the need to allow the government to take possession of new generations to shape them to its pleasure, and how many erudite quotations are employed to support

this theory! The Persians, the Egyptians, Gaul, Greece and Italy are one after another set before us. Yet, Gentlemen, we are neither Persians subjected to a despot, nor Egyptians subjugated by priests, nor Gauls who can be sacrificed by their druids, nor, finally, Greeks or Romans, whose share in social authority consoled them for their private enslavement. We are modern men, who wish each to enjoy our own rights, each to develop our own faculties as we like best, without harming anyone; to watch over the development of these faculties in the children whom nature entrusts to our affection, the more enlightened as it is more vivid; and needing the authorities only to give us the general means of instruction which they can supply, as travellers accept from them the main roads without being told by them which route to take.

Religion is also exposed to these memories of bygone ages. Some brave defenders of the unity of doctrine cite the laws of the ancients against foreign gods, and sustain the rights of the Catholic church by the example of the Athenians, who killed Socrates for having undermined polytheism, and that of Augustus, who wanted the people to remain faithful to the cult of their fathers; with the result, shortly afterwards, that the first Christians were delivered to the lions.

Let us mistrust, Gentlemen, this admiration for certain ancient memories. Since we live in modern times, I want a liberty suited to modern times; and since we live under monarchies, I humbly beg these monarchies not to borrow from the ancient republics the means to oppress us.

Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable. But to ask the peoples of our day to sacrifice, like those of the past, the whole of their individual liberty to political liberty, is the surest means of detaching them from the former and, once this result has been achieved, it would be only too easy to deprive them of the latter.

As you see, Gentlemen, my observations do not in the least tend to diminish the value of political liberty. I do not draw from the evidence I have put before your eyes the same conclusions that some others have. From the fact that the ancients were free, and that we cannot any longer be free like them, they conclude that we are destined to be slaves. They would like to reconstitute the new social state with a small number of elements which, they say, are alone appropriate to the situation of the world today. These elements are prejudices to frighten men, egoism to

corrupt them, frivolity to stupefy them, gross pleasures to degrade them, despotism to lead them; and, indispensably, constructive knowledge and exact sciences to serve despotism the more adroitly. It would be odd indeed if this were the outcome of forty centuries during which mankind has acquired greater moral and physical means: I cannot believe it. I derive from the differences which distinguish us from antiquity totally different conclusions. It is not security which we must weaken; it is enjoyment which we must extend. It is not political liberty which I wish to renounce; it is civil liberty which I claim, along with other forms of political liberty. Governments, no more than they did before, have the right to arrogate to themselves an illegitimate power. But the governments which emanate from a legitimate source have even less right than before to exercise an arbitrary supremacy over individuals. We still possess today the rights we have always had, those eternal rights to assent to the laws, to deliberate on our interests, to be an integral part of the social body of which we are members. But governments have new duties; the progress of civilization, the changes brought by the centuries require from the authorities greater respect for customs, for affections, for the independence of individuals. They must handle all these issues with a lighter and more prudent hand.

This reserve on the part of authority, which is one of its strictest duties, equally represents its well-conceived interest; since, if the liberty that suits the moderns is different from that which suited the ancients, the despotism which was possible amongst the ancients is no longer possible amongst the moderns. Because we are often less concerned with political liberty than they could be, and in ordinary circumstances less passionate about it, it may follow that we neglect, sometimes too much and always wrongly, the guarantees which this assures us. But at the same time, as we are much more preoccupied with individual liberty than the ancients, we shall defend it, if it is attacked, with much more skill and persistence; and we have means to defend it which the ancients did not.

Commerce makes the action of arbitrary power over our existence more oppressive than in the past, because, as our speculations are more varied, arbitrary power must multiply itself to reach them. But commerce also makes the action of arbitrary power easier to elude, because it changes the nature of property, which becomes, in virtue of this change, almost impossible to seize.

Commerce confers a new quality on property, circulation. Without

circulation, property is merely a usufruct; political authority can always affect usufruct, because it can prevent its enjoyment; but circulation creates an invisible and invincible obstacle to the actions of social power.

The effects of commerce extend even further: not only does it emancipate individuals, but, by creating credit, it places authority itself in a position of dependence.

Money, says a French writer,[a] 'is the most dangerous weapon of despotism; yet it is at the same time its most powerful restraint; credit is subject to opinion; force is useless; money hides itself or flees; all the operations of the state are suspended'. Credit did not have the same influence amongst the ancients; their governments were stronger than individuals,[b] while in our time individuals are stronger than the political powers. Wealth is a power which is more readily available in all circumstances, more readily applicable to all interests, and consequently more real and better obeyed. Power threatens; wealth rewards: one eludes power by deceiving it; to obtain the favours of wealth one must serve it: the latter is therefore bound to win.

As a result, individual existence is less absorbed in political existence. Individuals carry their treasures far away; they take with them all the enjoyments of private life. Commerce has brought nations closer, it has given them customs and habits which are almost identical; the heads of states may be enemies: the peoples are compatriots.

Let power therefore resign itself: we must have liberty and we shall have it. But since the liberty we need is different from that of the ancients, it needs a different organization from the one which would suit ancient liberty. In the latter, the more time and energy man dedicated to the exercise of his political rights, the freer he thought himself; on the other hand, in the kind of liberty of which we are capable, the more the exercise of political rights leaves us the time for our private interests, the more precious will liberty be to us.

Hence, Sirs, the need for the representative system. The representative system is nothing but an organization by means of which a nation charges a few individuals to do what it cannot or does not wish to do herself. Poor men look after their own business; rich men hire

[a] Charles Ganilh, *Essai politique*, vol. 1, pp. 64–5.

[b] 'A deficit of 60 million caused the French revolution. Under Vespasian, a deficit of 600 million did not produce the slightest unrest in the empire.' E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 426.

stewards.[a] This is the history of ancient and modern nations. The representative system is a proxy given to a certain number of men by the mass of the people who wish their interests to be defended and who nevertheless do not have the time to defend them themselves. But, unless they are idiots, rich men who employ stewards keep a close watch on whether these stewards are doing their duty, lest they should prove negligent, corruptible, or incapable; and, in order to judge the management of these proxies, the landowners, if they are prudent, keep themselves well-informed about affairs, the management of which they entrust to them. Similarly, the people who, in order to enjoy the liberty which suits them, resort to the representative system, must exercise an active and constant surveillance over their representatives, and reserve for themselves, at times which should not be separated by too lengthy intervals, the right to discard them if they betray their trust, and to revoke the powers which they might have abused.

For from the fact that modern liberty differs from ancient liberty, it follows that it is also threatened by a different sort of danger.

The danger of ancient liberty was that men, exclusively concerned with securing their share of social power, might attach too little value to individual rights and enjoyments.

The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily.

The holders of authority are only too anxious to encourage us to do so. They are so ready to spare us all sort of troubles, except those of obeying and paying! They will say to us: what, in the end, is the aim of your efforts, the motive of your labours, the object of all your hopes? Is it not happiness? Well, leave this happiness to us and we shall give it to you. No, Sirs, we must not leave it to them. No matter how touching such a tender commitment may be, let us ask the authorities to keep within their limits. Let them confine themselves to being just. We shall assume the responsibility of being happy for ourselves.

Could we be made happy by diversions, if these diversions were without guarantees? And where should we find guarantees, without political liberty? To renounce it, Gentlemen, would be a folly like that of a man who, because he only lives on the first floor, does not care if the house itself is built on sand.

[a] This concept is derived from Sieyès: see footnote *a*, p. 23.

Moreover, Gentlemen, is it so evident that happiness, of whatever kind, is the only aim of mankind? If it were so, our course would be narrow indeed, and our destination far from elevated. There is not one single one of us who, if he wished to abase himself, restrain his moral faculties, lower his desires, abjure activity, glory, deep and generous emotions, could not demean himself and be happy. No, Sirs, I bear witness to the better part of our nature, that noble disquiet which pursues and torments us, that desire to broaden our knowledge and develop our faculties. It is not to happiness alone, it is to self-development that our destiny calls us; and political liberty is the most powerful, the most effective means of self-development that heaven has given us.

Political liberty, by submitting to all the citizens, without exception, the care and assessment of their most sacred interests, enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual equality which forms the glory and power of a people.

Thus, see how a nation grows with the first institution which restores to her the regular exercise of political liberty. See our countrymen of all classes, of all professions, emerge from the sphere of their usual labours and private industry, find themselves suddenly at the level of important functions which the constitutions confers upon them, choose with discernment, resist with energy, brave threats, nobly withstand seduction. See a pure, deep and sincere patriotism triumph in our towns, revive even our smallest villages, permeate our workshops, enliven our countryside, penetrate the just and honest spirits of the useful farmer and the industrious tradesman with a sense of our rights and the need for safeguards; they, learned in the history of the evils they have suffered, and no less enlightened as to the remedies which these evils demand, take in with a glance the whole of France and, bestowing a national gratitude, repay with their suffrage, after thirty years, the fidelity to principles embodied in the most illustrious of the defenders of liberty.[1]

Therefore, Sirs, far from renouncing either of the two sorts of freedom which I have described to you, it is necessary, as I have shown, to learn to combine the two together. Institutions, says the famous author of the history of the republics in the Middle Ages,[a] must

[1] M. de Lafayette, deputy of the department of the Sarthe.

[a] J. C. Simonde de Sismondi.

accomplish the destiny of the human race; they can best achieve their aim if they elevate the largest possible number of citizens to the highest moral position.

The work of the legislator is not complete when he has simply brought peace to the people. Even when the people are satisfied, there is much left to do. Institutions must achieve the moral education of the citizens. By respecting their individual rights, securing their independence, refraining from troubling their work, they must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by expressing their opinions; and, by forming them through practice for these elevated functions, give them both the desire and the right to discharge these.